

Declarations of the executor, who was also plaintiff in the issue, and whose interest under the will was less than under the intestate laws,—made before the will was made, are not evidence against the will: *Id.*

A subscribing witness who has been examined to the execution of the will, may be examined in rebuttal on the competency of the testator: *Id.*

A subscribing witness may give his opinion of the testator's capacity without the facts on which it is founded,—other witnesses may not; but after they have testified to the facts, their opinions may be placed before the jury: *Id.*

#### WITNESS.

*Evidence to contradict or explain.*—A party is not permitted to assert, or to present evidence to show, that one statement of facts is true, and afterwards to assert, or prove to the court, that his prior evidence was untrue, or not to be relied on. But where a witness has given evidence against the side for the support of which he has been called, and the court can perceive good grounds for apprehending that the witness has testified under a mistake of the facts, or, unintentionally, falsely, and there is no bad faith on the part of the party producing the witness, he is allowed to give evidence explaining or even contradicting his own witness: *The People v. Skeeham*, 49 Barb.

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#### LIST OF NEW LAW BOOKS RECEIVED BY THE PUBLISHERS OF THE AMERICAN LAW REGISTER.

FISHER. Reports of Cases arising upon Letters Patent for Inventions, determined in the Circuit Courts of the United States. By SAMUEL S. FISHER, Counsellor at Law. Vol. 1, pp. 700. Cincinnati: R. Clarke & Co., Pres., 1867. \$25.

QUARTERLY JOURNAL of Psychological Medicine and Medical Jurisprudence. Edited by WM. A. HAMMOND, M. D. Vol. 2, No. 1, Jan. 1868. New York: Moorhead, Simpson & Bond, 1868. \$5.00 per An.

WESTERN JURIST. A Law Magazine, designed to meet the requirements of the Legal Profession in the West. Vol. 1, No. 6, December 1867. Des Moines: Mills & Co.

YALE. Legal Titles to Mining Claims and Water Rights in California, under the Mining Law of Congress of July 1866. By GREGORY YALE, Counsellor at Law. 8vo., 1 Vol., pp. 452. San Francisco: A. Roman & Co. 1867. Received from J. B. Lippincott & Co., Philada.